

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/688,863

REMARKS

Upon entry of this amendment, claims 2, 4-6, 9-12 and 14-19 are all the claims pending in the application. Claims 8 and 13 are canceled by this amendment.

I. Claim Rejections under 35 U.S.C. § 103(a)

Claims 2, 4-6, and 8-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Witjes in view of Neal. Applicant respectfully traverses this rejection on the following basis.

Independent claim 6 recites the feature of an adjusting mechanism operable to set a boundary between respective depth of cutting by first and second rotary cutters to a value substantially equal to one half of a thickness of a flat cardboard plate. Applicant submits that at least this feature of claim 6 is neither taught nor suggested by the cited prior art.

The Examiner recognizes that Witjes does not teach or suggest the above mentioned feature of claim 6. In an attempt to cure this deficiency, the Examiner applies Neal and asserts that Neal teaches such a feature. Applicant respectfully disagrees.

Neal discloses a sawing machine that utilizes a movable bed-plate E that is able to support an article from below (see Figs. 2 and 3). The bed-plate E, however, moves in a direction parallel to the axis of the horizontal circular saws C and not in the direction perpendicular to the axis of the saws C (see Fig. 2). Accordingly, the movement of the bed-plate E can not adjust the depth of cutting of the material in the thickness direction so as to set a boundary between respective depth of cutting to a value substantially equal to one half of a

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/688,863

thickness of the material, as set forth in claim 6. Neal also discloses adjustable guide bars D that guide the article to be cut (see Fig. 1). The guide bars D, however, do not support the article from below and, therefore, do not correspond to the support table as set forth in claim 6.

Accordingly, as the combination of Witjes and Neal fails to teach or suggest all of the features of claim 6, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

In addition, claim 6 recites the feature of a retaining mechanism for pressing a portion of a flat cardboard plate against a support table by moving a retainer bar only in a vertical direction to retain the flat cardboard plate immovable during a cutting operation. Applicant submits that the combination of Witjes and Neal also fails to teach or suggest this claimed feature.

The Examiner asserts that Witjes teaches the retaining mechanism as claimed and references pressure device 28 in support (see Fig. 2). The pressure device 28 disclosed by Witjes is shaped as a two-jointed pressure beam 28 which is used to press a material being cut onto table 2 (see col. 3, lines 44-48).

However, while the pressure device 28 of Witjes is used to press a material onto a table, the pressure device 28 does not move in only a vertical direction to retain the material being cut, as is set forth in claim 6. Moreover, Neal also fails to teach a retaining mechanism which moves only in a vertical direction.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/688,863

Accordingly, as the combination of Witjes and Neal fails to teach or suggest at least this feature of claim 6, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Further, Applicant submits that the Examiner has not identified a proper motivation or suggestion in the prior art for combining the teachings of Witjes and Neal. In Witjes, a pair of rotating knives 4 and 5 are positioned so as to be able to cut through a plate material 20 which is placed on a table 2. To compensate for plate materials having different thickness, Witjes teaches that at least one of the rotating knives is able to be adjusted in height, thereby enabling the knives 4 and 5 to cut plate materials having different thickness. In particular, at col. 2, lines 24-28, Witjes sets forth the following:

To be able to shorten very thick plate material, a special version of the device according to the invention is characterized in that at least one of both rotating knives can be adjusted in a height in a direction transverse to the place of entry.

As such, Witjes solves the problem of cutting materials having different thickness by providing knives which can be adjusted in height. Therefore, given the overall teaching of Witjes, it would be antithetical to modify this reference to provide a table which could be adjusted in order to accommodate materials having different thickness. Such a modification would destroy one of Witjes' particular contributions to the art; namely, compensating for plate materials having different thickness by providing adjustable knives.

Thus, Applicant respectfully submits that the modifications to Witjes advocated by the Examiner, even if Neal were considered, would not have been apparent to those skilled in the art. The Examiner's rationale for combining and modifying the references; namely, to perform

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/688,863

adjustment to compensate for materials having different thickness, is simply not persuasive. Witjes, without modification, already adequately addresses this need.

In other words, one of ordinary skill in the art would see no reason to provide an adjusting mechanism for the table of Witjes in order to compensate for materials having different thickness because Witjes already provides the necessary adjusting mechanism.

Based on the foregoing, Applicant submits that a prima facie case of obviousness has not been established and, accordingly, respectfully requests that the Examiner reconsider and withdraw the rejection of claim 6. Claims 2, 3, 5 and 18 depend from claim 6 and therefore incorporate all of the features thereof. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

Independent claims 11 and 12 recite similar features to those discussed above with respect to claim 6. For example, independent claims 11 and 12 recite the feature of a level adjusting mechanism operable to adjust a relative position between the support table and the first and second rotary cutters in a vertical direction according to a thickness of the article to be cut, wherein the adjusting mechanism is further operable to set a boundary between respective depth of cutting by the first and second rotary cutters to a value substantially equal to one half of a thickness of the article. As discussed above, Applicant submits that the combination of Witjes and Neal fails to teach or suggest such a feature. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/688,863

Claims 9, 10 and 19 depend from claim 11 and claims 14-17 depend from claim 12.

Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency. As discussed above, claims 8 and 13 have been canceled by this amendment.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kenneth W. Fields
Registration No. 52,430

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 29, 2003